

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

EBON BONNETTE, *et al.*, individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

ROCHESTER GAS & ELECTRIC CO.,

Defendant.

CIVIL ACTION NO.: 6:07-cv-06635-MAT

**PLAINTIFFS' MOTION FOR FINAL  
APPROVAL OF THE SETTLEMENT  
AGREEMENT**

**PLEASE TAKE NOTICE** that Plaintiffs Ebon Bonnette, Khalid Boston, Donna Cox, M. Diane Dixon, Odessa Dixon, Robert Ellis, Michael Foster, Jerel Griffin, Mark Hale, Jean Howard, Bertha Johnson, Ellen Johnson, Stephanie Johnson, Johnny Kegler, Mary Lalor-Timmons, Marcia Lane, Robert Lane, Gail Marshall-Johnson, Thomas Moore, Delray Morgan, Delores Prad, Toney Proctor, Willie Sanders, Lolita Smith, Brett Stevenson, Everlene Thompson, Ophelia Tisdale, Richard Walford, Wanda Webb, Patricia White, Robert Williams and Bonnie Wright (the "Plaintiffs"), on behalf of themselves and all others similarly situated, through their undersigned counsel, respectfully move this Court to give final approval of the Parties' Settlement Agreement. The support for this Motion is set forth in Plaintiffs' accompanying Memorandum of Law and accompanying Exhibits. Defendant Rochester Gas & Electric Co. ("RGE") has reviewed and does not oppose this Motion.

**PLEASE TAKE FURTHER NOTICE** that this Motion shall be returnable before the Honorable Michael A. Telesca, United States Judge, United States Courthouse, 100 State Street, Rochester, New York 14614, at a date and time to be set by the Court.

**PLEASE TAKE FURTHER NOTICE** that pursuant to its Order dated February 11, 2008, a Final Fairness Hearing is scheduled for May 7, 2008 at 10:00 a.m.

Dated: April 11, 2008

BERGER & MONTAGUE, P.C.

By: /s/  
SHANON J. CARSON, ESQ.  
BERGER & MONTAGUE, P.C.  
1622 Locust Street  
Philadelphia, PA 19103  
Tel: (215) 875-3000  
Email: [scarson@bm.net](mailto:scarson@bm.net)

BRUCE E. GERSTEIN, ESQ.  
JAN BARTELLI, ESQ.  
GARWIN GERSTEIN & FISHER L.L.P.  
1501 Broadway, Suite 1416  
New York, New York 10036  
Tel.: 212-398-0055  
Email: [bgerstein@garwingerstein.com](mailto:bgerstein@garwingerstein.com)

CLAYBORNE E. CHAVERS, ESQ.  
THE CHAVERS LAW FIRM, P.C.  
1250 Connecticut Avenue, NW  
Suite 200  
Washington, DC 20036  
Tel: (202) 835-1800  
Email: [chavlaw@comcast.net](mailto:chavlaw@comcast.net)

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on April 11, 2008, I electronically filed the foregoing Plaintiffs' Motion For Final Approval Of The Settlement Agreement, and supporting papers, using the CM/ECF system, which sent notification of such filing to the following:

Michael S. Burkhardt, Esq.  
\_\_\_\_\_  
Morgan Lewis  
1701 Market Street  
Philadelphia, PA 19103  
[mburkhardt@morganlewis.com](mailto:mburkhardt@morganlewis.com)

\_\_\_\_\_  
/s/  
Shanon J. Carson